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Commissioner of Patents  
United States Patent and Trademark Office  
PO Box 1450  
Alexandria VA 22313-1450  
United States of America

**In Re Application of:** Rob Ouliarin  
**US Application Number:** 10/565500  
**Filing Date:** 23 January 2006  
**Title:** Flash and Sound Emitting Diversion Grenade  
**Group Art Unit:**  
**Examiner:**  
**Attorney Docket No:** OUL0004U

9 November 2006

Election, Amendment and Arguments

Dear Sirs,

The applicant is in receipt of the examiner's 3 October 2006 report.

Because the applicant was unable to ascertain the correct response time given the first paragraph of the Office Action Summary, fees are enclosed under protest, for one month extension of time. It is requested that these fees be remitted to the undersigned's deposit account if in fact, the response is timely and the fees are not required.

The first paragraph of the Office Action Summary states that its shortened statutory period for reply is set to expire three months or 30 days which ever is longer, from the mailing date. In combination with the election requirement with the setting of the statutory period (3 months or 30 days) was confusing to the

applicant. The examiner appears to have examined all of the claims in the application which seems to weight against the proposition that the application contains numerous species. Further, the examiner provided precious little information as to why he believed the species to be independent or distinct and the examiner did not actually identify any features to support his arguments.

This submission contains an election with traverse, amendments to the drawing figures, amendments to the specification, amendments to the claims and arguments.

#### Election and Traverse

In any event, the applicant elects Species A as identified by the examiner as pertaining to Figure 1. The applicant disagrees with and thereby traverses the conclusions that the examiner reaches in paragraph 1 of the Office Action Summary. In order to comply with the examination requirements, the applicant identifies the following claims as reading on Species A: 1, 2, 3, 4, 12, 13.